UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

AUG 25 2011

[redacted]
Moorefield, WV 26836

Dear Mr. [redacted]:

Enclosed is the inspection report documenting the observations made during the June 16, 2011 Clean Water Act inspection at your poultry grow-out operation. I encourage you to read it carefully. If you believe any of the information is inaccurate, you may provide a written response to be included in our records. This inspection report and any other information gathered by the United State Environment Protection Agency (EPA) may be used in making a compliance determination with the Clean Water Act (the "Act").

Please keep in mind that EPA considers a poultry operation raising 37,500 to 124,999 birds to be a concentrated animal feeding operation (CAFO) if the operation discharges pollutants from man-made conveyances to a water of the United States. CAFOs are strictly prohibited from discharging any pollutants to a water of the United States, except when in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. A discharge may include, but not be limited to, stormwater runoff that has comes into contact with manure, litter, feed, and dust from ventilation fans. The federal NPDES regulations promulgated under the Act required CAFOs that discharge to have submitted complete permit applications by February 27, 2009.

To seek permit coverage, please contact Mr. Robert Bates at (304) 926-0499 Ext. 1045 or by email Robert.A.Bates@wv.gov. An electronic permit application may also be obtained from WVDEP website at http://www.dep.wv.gov/WWE/permit/individual/Pages/default.aspx.

Our website (http://www.epa.gov/agriculture) provides stewardship and compliance information to owners and operators of CAFOs and other animal feeding operations. If you have any questions or concerns, please contact me at (215) 814-2774.

Sincerely,

Ashley K. Troy
NPDES Enforcement Branch
Water Protection Division

Enclosures

cc: Joe Hickman, WVDEP (via email)

CLEAN WATER ACT
COMPLIANCE INSPECTION

Facility Name
[redacted]
(For EPA Purposes Only – [redacted])

Facility Address
[redacted], Moorefield, WV 26836

Investigation Date(s)
On-Site June 16, 2011
Fly-over November 10, 2010

Inspector(s)
Ashley Toy, Lead Inspector
U.S. Environmental Protection Agency, Region 3

and

Garth Connor, Inspector
U.S. Environmental Protection Agency, Region 3

This Report has been co-authored by the West Virginia Department of Environmental Protection and the U.S. Environmental Protection Agency, Region 3

WVDEP Concurs with this Report 08/25/2011 (Date) by Anthony J. Willard (Signature)

Report Final as of 8/25/2011 (Date) by [signature] (Signature)

CONTENTS

BACKGROUND

On November 10, 2010, Mahri Monson and Rebecca Crane of the United States Environmental Protection Agency (EPA) conducted a fly-over reconnaissance inspection of the poultry operation located along County Route 7 just south of Capon Road in Moorefield, West Virginia (the "Facility"). Photographs were taken of the Facility and are attached (see Appendix A).

On June 10, 2011, Ashley Toy of EPA spoke with [redacted] to schedule an inspection time for 9:30 am on Thursday, June 16, 2011. Ms. Toy described the inspection process. Ms. Toy is unaware of any history of on-site inspections by EPA prior to the June 16th inspection at this Facility.

ON-SITE INSPECTION SUMMARY

Overview

On June 16, 2011, representatives of the EPA, West Virginia Department of Environmental Protection (WVDEP) and [redacted] conducted an announced inspection at [redacted] poultry farm. The purpose of the inspection was to assess the facility's compliance with both federal regulations for concentrated animal feeding operations (CAFOs) as well as to determine if the facility fit the definition of a CAFO and needed to apply for a National Pollutant Discharge Elimination System (NPDES) permit with the state of West Virginia. Both [redacted] attended the inspection as facility representatives. Representatives of each of the departments were as follows:

- EPA
  - Ashley Toy
  - Garth Connor
- WVDEP
  - Anthony Willard
  - Robin Dolly
  - Jeremy Bandy
  - Kevin Lilly
  - Susan Kershner
  - John Hendley
- WVDA
  - Jerry Ours
  - Mark Hedrick
  - Sarah Taylor
- WVU Extension
  - Dave Seymour

At approximately 9:30 a.m., EPA, WVDEP, and WVDA representatives arrived on-site and proceeded with routine biosecurity protocols. Ms. Toy and Garth Connor presented their credentials to [redacted] and explained the purpose of the inspection. It was explained that the purpose was to determine if the poultry operation was a CAFO under the Clean Water Act

and subject to and NPDES permit with the state of West Virginia. The inspection consisted of an opening interview about the history and operations of the Facility, followed by a site tour of the facility. The photographs of the fly-over were shown to [redacted]. Site maps for the report are contained in Appendix B, including Site Maps 1-4 using Google satellite images of the Facility as the base and Site Maps 5-6 using United States Geological Survey (USGS) topographic maps as the base. Photographs were taken during the site tour. Photograph numbers and descriptions were recorded in a photo graph log after each picture taken. Photograph log and photographs (Photos 1-36) are contained in Appendix C. No samples were taken. After concluding the inspection, we proceeded with exiting biosecurity protocols, and left the facility around 12:00 p.m.

Weather

During the inspection, the sky was partly cloudy and the air temperature was in the upper 70's to lower 80's. A steady rain occurred for the last portion of the on-site inspection and exiting interview.

Facility Description

From interpolation of satellite imagery from Google Earth, the coordinates at the entrance (nearest to Poultry House 4) to the Facility are [redacted] and indicated by the yellow thumb tack on Site Map 1. The facility is owned by [redacted]. At this Facility, [redacted] raises broilers under contract with [redacted], and has for the last five years ([redacted]). The facility consists of four poultry houses, two manure sheds, and a compost shed. These structures, except for the off-site manure shed, are as labeled on Site Map 2. The poultry houses are referred to as numbers 1 through 4 with house number 1 being in the back of the property and house number 4 being closest to the front entrance. Houses 1 and 2 were built in 1987. House 3 was built in 1990. House 4 was built in 1993. Houses operate under the same [redacted] contracts as follows:

- Houses 1 – 3 are known as "[redacted] - 3", have dimensions of 42' x 400', and house 25,000 birds each.
- House 4 is known as "[redacted] 4", has dimensions of 42' x 500', and houses 32,000 birds.

Together these houses have a total capacity of 107,000 broilers. Other animals owned by [redacted] include as follows:

- Approximately 100 cow/calf beef cattle pairs

Cows are away from the poultry production area on nearby pastures. Cows are confined only for a few weeks during the period of time with they are being weaned.

Flock Rotation/Manure Management

There were no birds on-site during the inspection. Flocks get picked up after being at the Facility about every 38 days with a 2 week layout between flocks. There are typically 3 to 4 flocks per house per year.

Poultry Houses/Heavy Use Area Protection

At the Facility, the exterior of four poultry houses were observed. No member of the inspection team entered any of the poultry houses.

Each house is equipped with sidewall ventilation. Ventilations exhaust fans had dust on them at the time of the inspection. Ventilation exhaust fans are brushed off with a broom. Each house also had a hose protruding from the houses. The hose is used to discharge flush water from drinking water lines. Manure was observed on the ground at some of the ends of the poultry houses.

Manure Storage Area

There is one manure shed on-site and another off-site. The manure shed on site was 15 years ago. The second manure shed which is off site, is located on the farms property where crops are grown and livestock are in pasture. Manure generated from the poultry facility is spread on this land. The land is comprised of approximately 400 to 500 acres. Manure is generally applied in the month of May. Manure is never stockpiled and goes straight from the poultry houses to the manure sheds by a dump truck or front end loader.

Mortality/Compost Area

Mortality composting was done in the compost shed by covering mortalities with manure. Manure was observed on the ground near the compost shed.

Drainage

None of the poultry houses have gutters with down spouts. A majority of the Facility drains to an on-site pond with a couple of exceptions. First, the western side of House 1 drains to the South Fork South Branch Potomac River, according to the US National Hydrography Dataset (see Site Map 4). There were signs of erosion on the banks of the river indicating the flow pathways from runoff from the western side of House 1. Second, the northern ends of the poultry houses drain downhill to an Unnamed Tributary of South Fork South Branch Potomac River to the North of the Facility the southern ends of the poultry houses drain an on-site pond. The areas between the poultry houses drain to a pond on-site via different pathways. Pathways where there are discrete conveyances are indicated in red on Site Map 3. The area between Houses 1 and 2 appears to drain via sheet flow. The area between Houses 2 and 3 drains to the pond through a swale with a culvert that runs under the access lane. The area between Houses 3 and 4 drains to the pond via sheet flow across the access lane and into a man-made ditch. The area to the east of House 4 either drains to a culvert that goes under the House 4 to the pond or around the southern end of the House 4 through a culvert and man-made ditch to the pond. The pond is also fed by a natural spring that runs under House 4 or by-passes the culvert and flowing around the southern end of House 4. This flow path is indicated in yellow on the Site Map. From the pond, the water discharges (indicated in orange on Site Map 3) into a small unnamed creek that discharges directly into the South Fork South Branch Potomac River.

SAMPLING

No samples were taken

DOCUMENT REVIEW

No Facility documents were reviewed.

ADDITIONAL INFORMATION GATHERING

According to the USGS topographic maps, the Facility is within the Hydrologic Unit Code (HUC) 020700040509 (see Site Map 5). The pond and the waterway that runs under and around House 4 is not mapped on the USGS topographic map (see Site Map 6). The stream segment of South Fork South Branch Potomac River near the Facility is mapped as a perennial river. South Fork South Branch Potomac River is a tributary of the South Branch Potomac River.

SUMMARY OF CONCERNS

1) Stormwater runoff can come into contact with spilled manure and ventilation dust. Stormwater is collected into an on-site pond. Man-made ditches and culverts help facilitate stormwater enter the pond. The pond discharges through a pipe into an unnamed waterway to South Fork South Branch Potomac River.

APPENDIX A

Fly-over Photographs

2010-11-10--10.42.21

2010-11-10--10.42.31

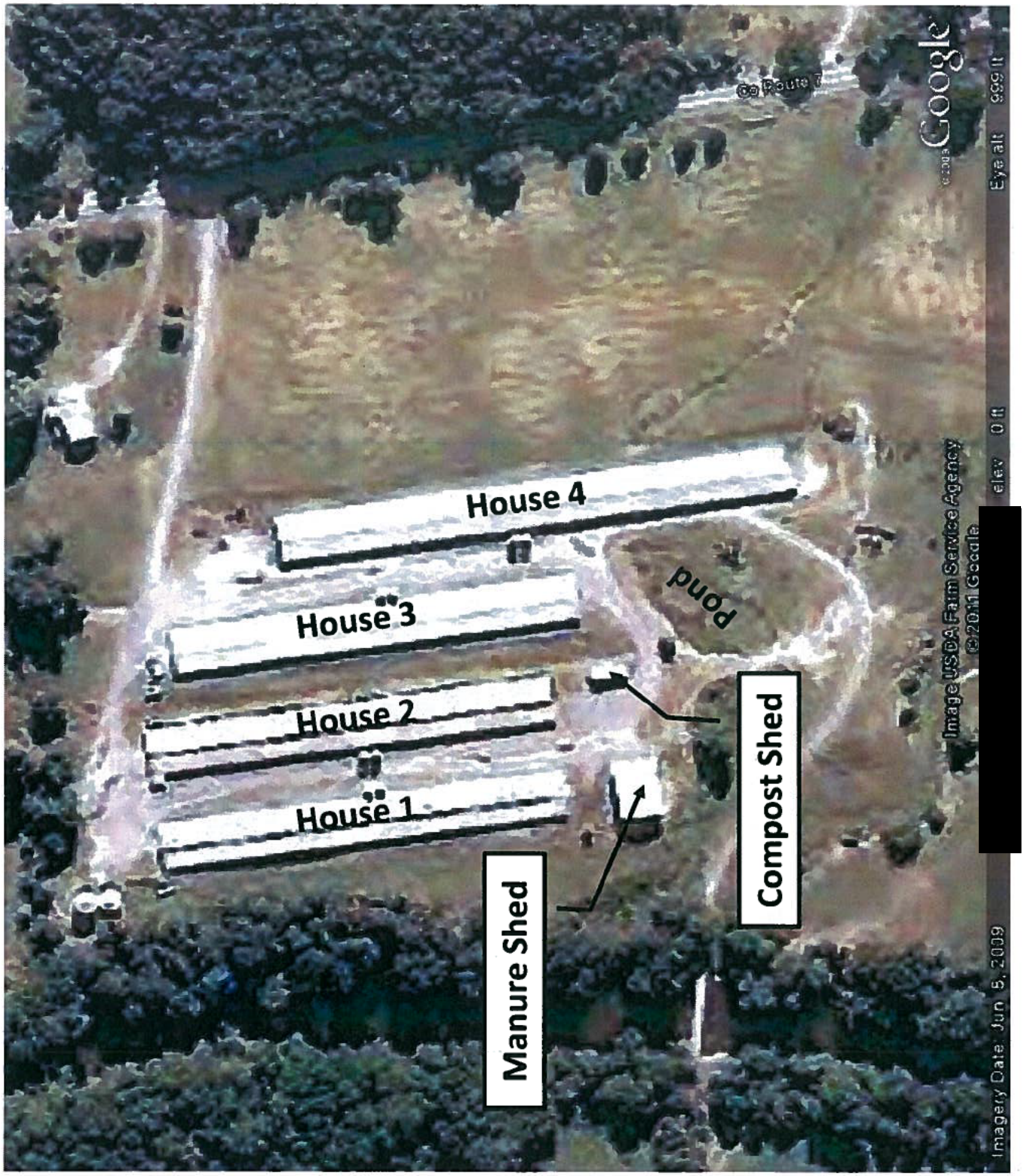
2010-11-10--10.42.37

APPENDIX B

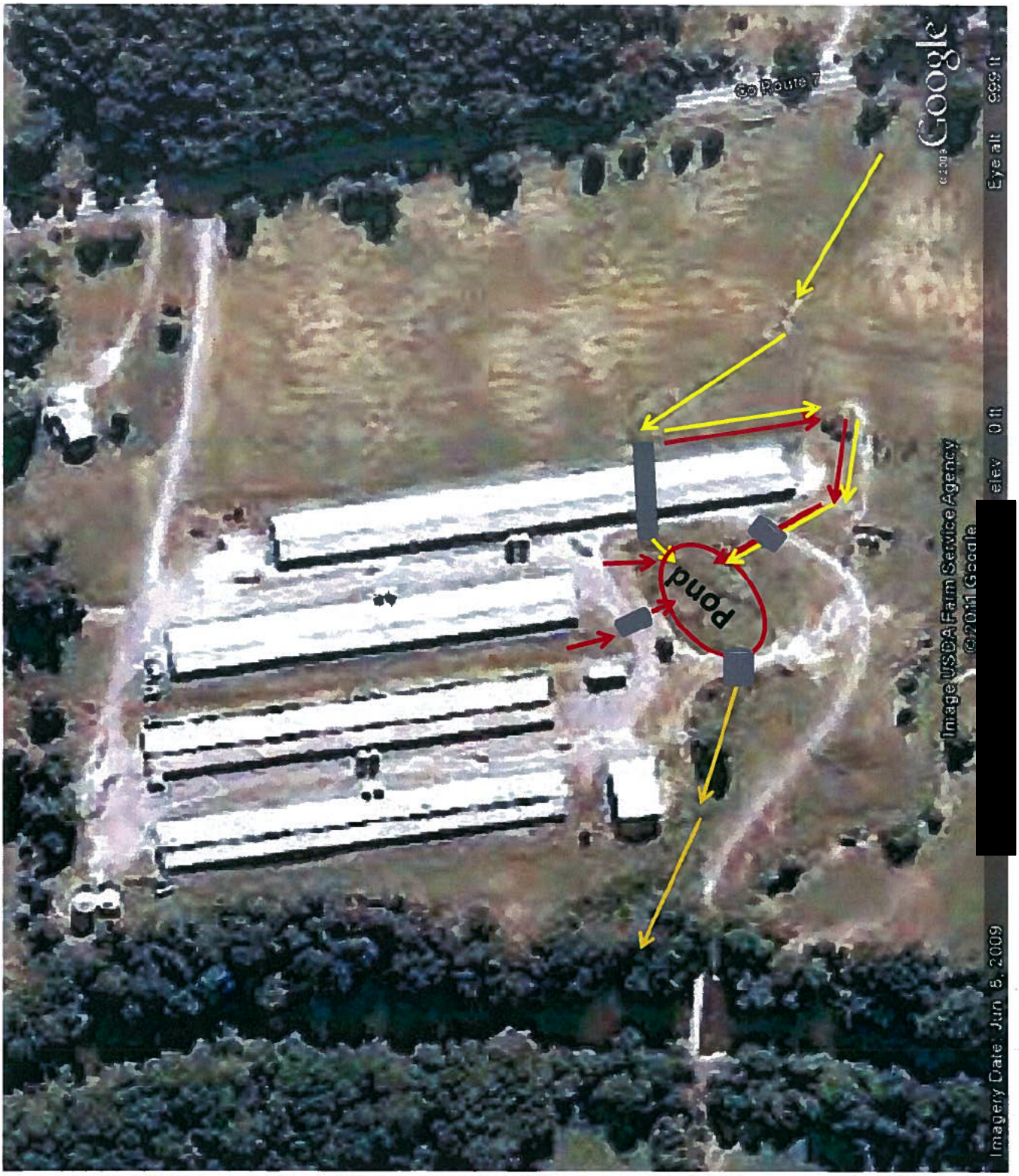
Site Maps


Go Route 7
Google
Eye alt 999 ft
elev 0 ft
Image USDA Farm Service Agency
© 2011 Google
Imagery Date: Jun 5, 2009

Site Map 1


Co Route 7
House 4
House 3
House 2
House 1
pond
Compost Shed
Manure Shed
Image USDA Farm Service Agency
©2010 Google
Imagery Date: Jun 5, 2009
elev 0 ft
Eye alt 999 ft
Google

Site Map 2

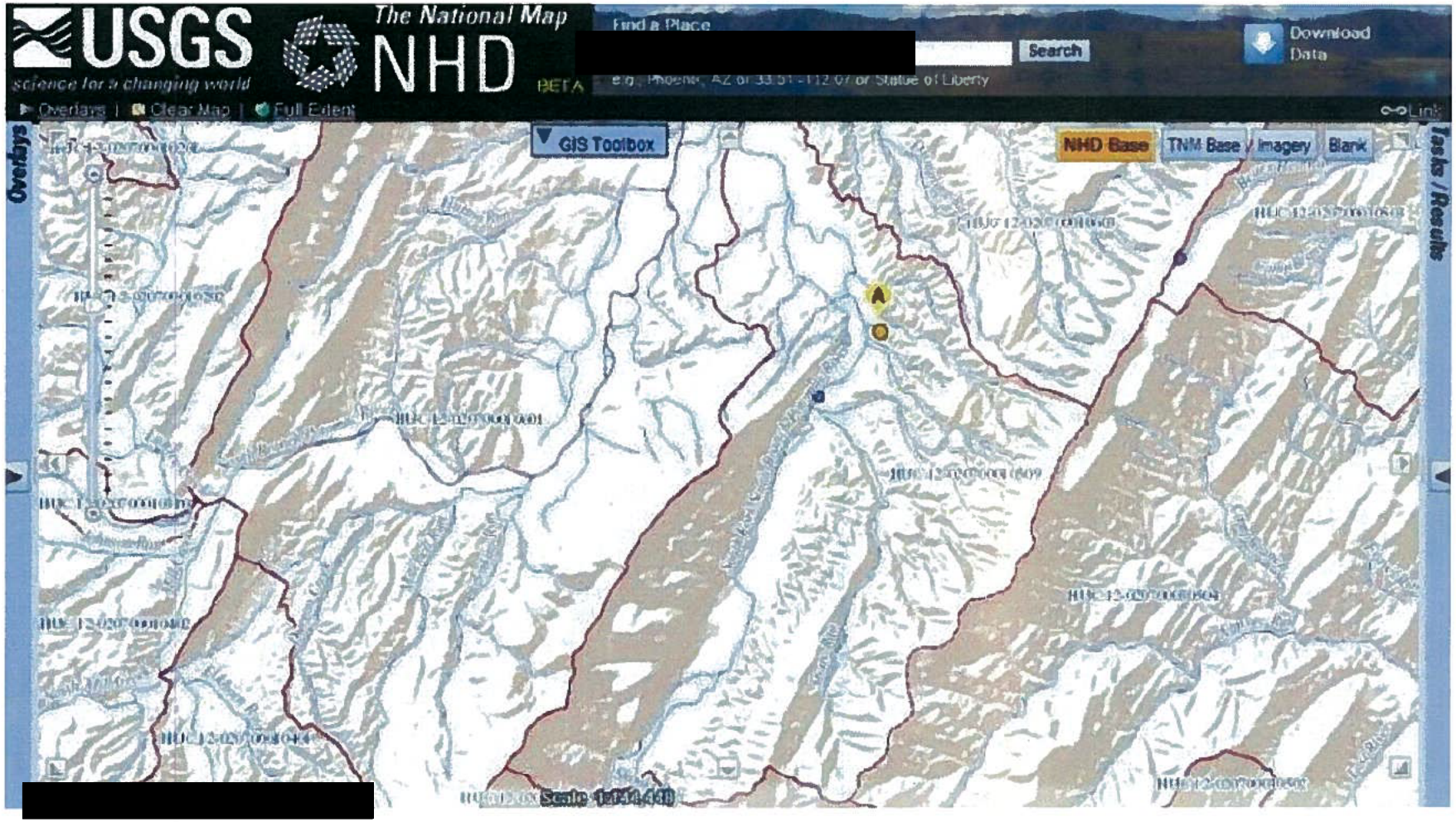

Go Route 7
Google
pond
Image USDA Farm Service Agency
Imagery Date: Jun 5, 2009

Site Map 3

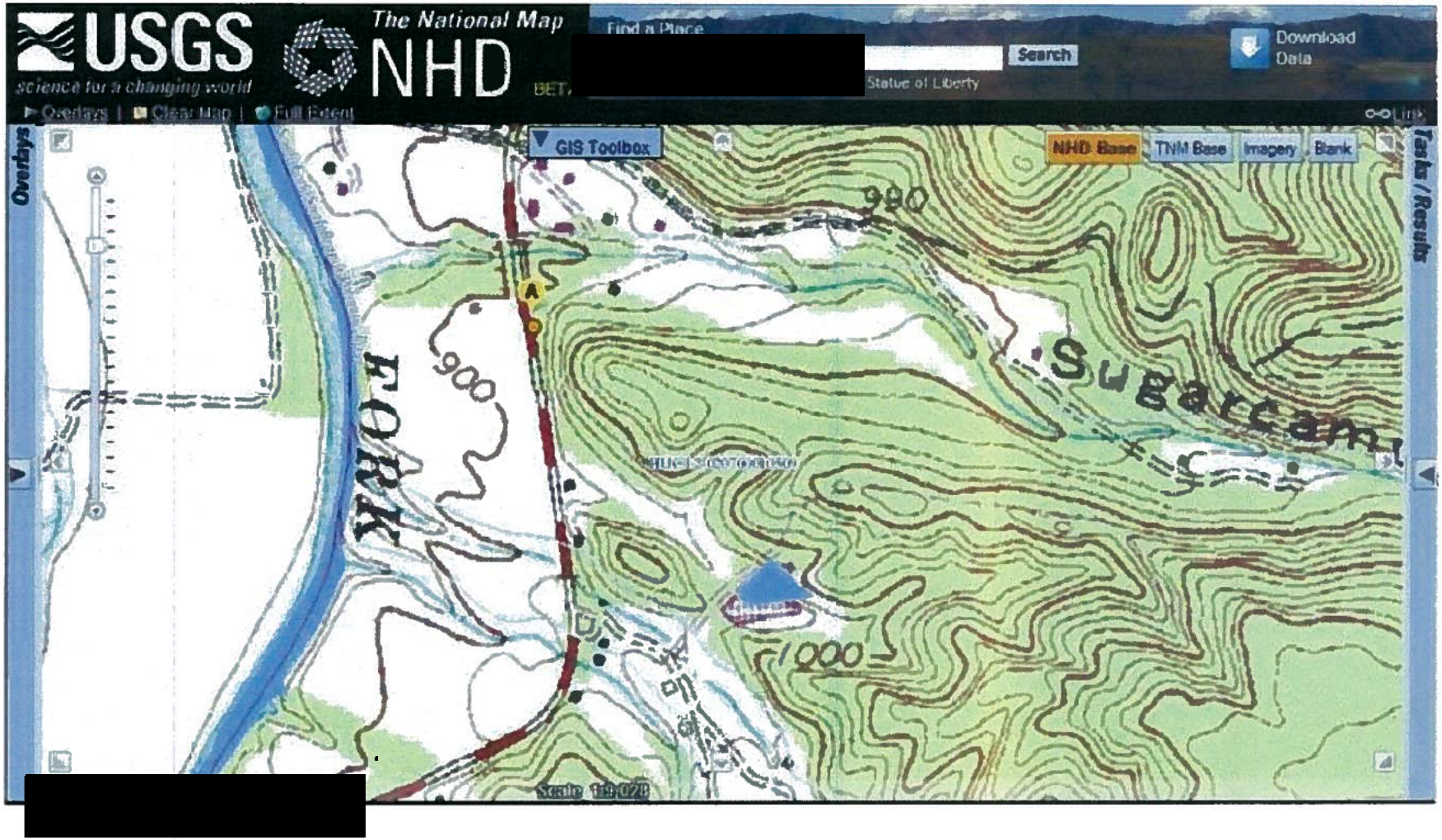
South Fork South Branch Potomac River
South Fork South Branch Potomac River
Canon Rd
Rt 220
Image USDA Farm Service Agency
Google
Eye alt 2685 ft

Site Map 4

Site Map 5


USGS
science for a changing world
The National Map
NHD
BETA
Find a Place
Search
Download Data
Overlays
Clear Map
Full Extent
GIS Toolbox
NHD Base
TNM Base
Imagery
Blank
Layers
Tasks / Results
[redacted]

Site Map 6


USGS
science for a changing world
The National Map
NHD
Find a Place
Search
Download Data
Statue of Liberty
Overlays
Clear Map
Full Extent
Link
GIS Toolbox
NHD Base
TNM Base
Imagery
Blank
Tasks / Results
900
1000
FORK
Sugarcamp
Scale 1:9,028